AMENDMENT TO THE DRAWINGS

The attached sheet of drawings includes changes to Fig. 1 - this sheet replaces the original sheet including Fig. 1.

In Figure 1 Element 12, "OBJECT BASED CODE" has been replaced with "LANGUAGE NEUTRAL".

Attachment: Replacement Sheet

                     Annotated Sheet Showing Changes

<u>REMARKS</u>

Claims 1-49 are currently pending in the subject application and are presently under consideration. Claims 1, 14, 23, and 32 have been amended to more clearly emphasize the invention as indicated at pp. 5-10 – these amendments are for clarification purposes and do not narrow the scope of the claims. The specification has been amended as indicated at pp. 2-4. In addition, the drawings have been amended as indicated at p. 14 and the attached annotated drawing sheet.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I.   **Objection to the Drawings**

The drawings stands objected to for minor informalities. The herein amendments to the drawings are believed to cure such informalities, and withdrawal of this objection is respectfully requested. A replacement drawing sheet as well as an annotated sheet (showing changes made) are attached.

II.   **Objection to the Specification**

The specification stands objected to for minor informalities. The herein amendments to the specification address such informalities, and withdrawal of this objection is respectfully requested.

III.   **Rejection of Claims 1-13 Under 35 U.S.C. §112**

Claims 1-13 stand rejected under 35 U.S.C. §112(b) as failing to distinctly claim the subject matter which applicant regards as the invention. Withdrawal of this objection is respectfully requested in view of the herein amendment to independent claim 1.

IV.   **Rejection of Claims 1-13 Under 35 U.S.C. §101**

Claims 1-35 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Withdrawal of this objection is respectfully requested in view of the amendments made to independent claims 1, 14, 23, and 32.

V. Rejection of Claims 1-45 Under 35 U.S.C. §102(e)

Claims 1-45 stand rejected under 35 U.S.C. §102(e) as being anticipated by Bosworth *et al.* It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Bosworth et al. does not teach or suggest each and every limitation of applicants' claimed invention.

> For a prior art reference to anticipate, 35 U.S.C. §102 requires that "each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *In re Robertson,* 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (*quoting Verdegaal Bros., Inc. v. Union Oil Co.,* 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)).

Independent claims 1, 14, 23, 32, 36, 40, 41, 43, 47, and 48 recite *a language-neutral representation of a compile unit*. This representation is not in a form that can be executed in a runtime environment (*e.g.*, not compiled code). It is in a form that can be transformed into a high-level language or a low level language. Further transformation outside of the runtime environment is required to bring the language neutral representation of the compile unit into a form that the runtime environment can execute. Boswort*h et al.* does not teach or suggest *a language neutral representation of a compile unit* as in applicants' claimed invention. Rather, Bosworth *et al.* teaches language neutral representation of executable code – not of a unit to be compiled (*e.g.*, compile unit) as in applicants' claimed invention. In view of the foregoing, it is readily apparent that the cited reference does not anticipate applicants' invention as recited in the subject independent claims (and the claims that respectively depend there from).

Moreover, claims 12, 22, 31, 35, 39, 42 recite *conversion of the language-neutral representation to a corresponding high-level language code representation*. High level language code such as C, C++, and C# as described in the subject claim is not in executable form. Bosworth *et al.* does not describe conversion of the language neutral representation into a high level language. Rather. Bosworth *et al.* describes a language neutral representation that can be executed in a runtime environment and that also can be read and analyzed by a compiler to produce an executable language neutral representation which is not in a high level language.

In view of at least the above, it is respectfully submitted that Bosworth *et al.* does not anticipate applicants' claimed invention as recited in independent claims 1, 14, 23, 32, 36, 40, 41, 43, 47, and 48 (and claims 2-13, 15-22, 24-31, 33-35, 37-39, 42, 44-46, and 49 which respectively depend there from). Accordingly, withdrawal of this rejection is respectfully requested.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number below.

Respectfully submitted,

AMIN & TUROCY, LLP

Himanshu S. Amin
Reg. No. 40,894

AMIN & TUROCY, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731

Title: LANGUAGE-NEUTRAL REPRESENTATION OF
                 SOFTWARE CODE ELEMENTS
Inventor(s):   Christopher L. Anderson, et al.
Serial No.   09/842,527
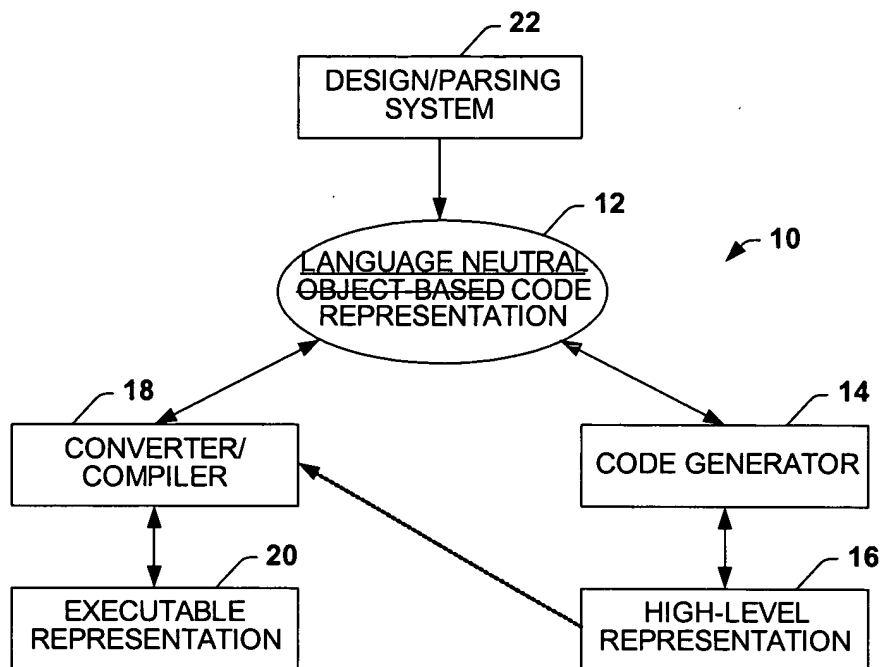Docket No.   MS158543.01/MSFTP194US

22

DESIGN/PARSING
SYSTEM

12

10

~~LANGUAGE NEUTRAL~~
~~OBJECT-BASED~~ CODE
REPRESENTATION

18

CONVERTER/
COMPILER

14

CODE GENERATOR

20

EXECUTABLE
REPRESENTATION

16

HIGH-LEVEL
REPRESENTATION

FIG. 1